

track, franchise, or other property belonging to any railroad company, shall be made or executed without the consent of at least a majority of bona fide stockholders of the company."

Pending which, on motion of Mr. Taylor of Houston, the Senate adjourned until to-morrow morning at 10 o'clock.

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FRIDAY, November 20th, 1857.

The Senate met pursuant to adjournment—prayer by the Chaplain—roll called—quorum present.

The Journal of yesterday was read and adopted.

A message was received from the House informing the Senate that the House had passed "A bill, originating in the Senate, for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the act of incorporation thereof, and of the acts amending the same and in addition thereto."

Mr. Russell, chairman of the committee on Engrossed Bills, reported "A bill to repeal a portion of the 10th section of the act of February 10th, 1852, entitled an act relating to lands in Peters' Colony, and to prohibit patenting upon certificates issued under the provisions of said section of said act," correctly engrossed.

Mr. Taylor, of Houston, chairman of the committee on Enrolled Bills, reported:

A Joint Resolution instructing our Senators and requesting our Representatives in the Congress of the United States, to call upon the Government of the United States to refund the money heretofore paid out by the State of Texas for the defence of her frontier since the 28th day of February, 1855; and

"A bill for the relief of the Galveston, Houston and Henderson Railroad Company, and in amendment of the act of incorporation thereof, and of the acts amending the same and in addition thereto," correctly enrolled, properly signed and presented to the Governor.

Mr. Guinn, chairman of the committee on Claims and Accounts, made the following report:

The committee on Claims and Accounts, to which was referred the petition of the soldiers of the 1st regiment of Infantry, have had the same under consideration, and after mature

deliberation, a majority of the committee instruct me to report the petition back to the Senate and recommend its indefinite postponement. The committee believe that to grant the relief sought, would upturn what they conceive to be the established policy of the State. Petitioners state, that in 1838 they were in the Army, and received their pay in Red backs, at par, when they were worth not more than twenty-five cents on the dollar, and that the Government scaled it seventy-five cents on the dollar, and thereby they received only twenty-five cents on the dollar. The petitioners want the difference between the scaled value and face value. The committee think, from the evidence, that this case is one of hardship, but that such cases frequently and inevitably happen in time of war and revolutions, and that it falls within the misfortunes of war. They think to apply equity to the petition and pay off the claim, would be to recognize a class of debt which would involve the State to such an extent that it would almost be impossible to recover from the shock. They think that as Texas has scaled the Revolutionary Debt, and then subsequently accepted the Congress Debt Bill, that now to depart, at this late period, would be exceedingly dangerous. From the best data they can obtain, to pay all claims that would be entitled to relief under the principles indicated in the petition, would amount to millions of dollars, and if right to pay one, all should be paid, having the same merits. Under all the circumstances, the committee see no good reason to depart from the established rule upon such cases—all of which is submitted.

Mr. Pirkey, chairman of the committee on Public Lands, made the following reports:

The committee on Public Lands have considered a bill for the relief of the actual settlers who settled within the Mississippi and Pacific Railroad reservation, prior to the 21st day of December, 1853, and failed to have their lands surveyed within eight months, and field notes returned to the General Land Office within twelve months from their settlement, and have instructed me to report the following substitute for the 1st section of the bill, and recommend the adoption of the substitute and the passage of the bill:

Substitute for Sec. 1—*“Be it enacted by the Legislature of the State of Texas, That those who settled within the Mississippi and Pacific Railroad reservation as pre-emptors, prior to Dec. 21st, A. D. 1853, shall have the further time of eight*

months to have their lands surveyed, and twelve months to have their field notes returned to the General Land Office."

The committee on Public Lands have had under consideration a bill to amend an act granting lands to emigrants, approved January 11th, 1841, and instruct me to recommend the passage of the same.

On motion of Mr. Guinn, the rule was suspended and the bill and report taken up and read.

Mr. Taylor, of Cass, offered a substitute for the bill; adopted.

Mr. Throckmorton offered the following amendment: "and provided further that certificates granted to young men who became seventeen years old prior to the expiration of the donation act, be placed in like condition as the above."

Mr. McCulloch offered the following as an amendment to the amendment:

"And that single men who emigrated to the Republic of Texas, and married before the 1st day of January, 1842, shall be entitled to an augmentation under the provisions of this act."

Mr. Caldwell offered the following as a substitute for the amendment offered by Mr. McCulloch:

"And further that the Commissioner be and is hereby authorized to issue certificates to all those who are entitled to augmentation, and have not heretofore applied for the same, upon their making the necessary proof before him."

On motion of Mr. Wren, the bill, amendments and substitute were referred to the committee on Public Lands.

Mr. Taylor, of Cass, chairman of the committee on Public Debt, made the following report:

The committee on Public Debt, to which was referred a bill for the relief of L. S. Hargous, H. R. W. Hill, G. B. Lamar and Samuel Swartwout, have considered the same and find that the bill proposes to pay the parties interest on the amounts advanced by them to the Republic of Texas during her struggle for independence. The committee find the facts to be these: Under a regulation of the Republic, the agents of the Government were authorized to give bonds, with interest at ten per cent per annum, for all advances made by the parties proposed to be relieved by this bill, to the Government. The advances were made voluntarily and not to an authorized agent of the Government, therefore they did not receive any bond or evidence of debt. The Auditor and Comptroller, under an act to ascertain the liabilities of the late Republic of

Texas, laid down certain rules and regulations for their government, one of which was not to allow interest on any claim unless the bond or evidence of debt authorized or allowed interest on its face. In those cases there was no evidence, only that the parties had advanced the several amounts. They therefore, under the rule could not allow interest, and audited the amounts advanced without interest. This has been paid and this bill proposes to pay the interest at ten per cent per annum from the time at which the advances were made to the 1st day of August, 1850, at which time under our statute, all interest ceased to run against the State. Your committee also find that this bill will release all and every one of this character of claims. The premises considered, and believing that the passage of the bill will in no way conflict with the principle of the adjustment of our public debt, the committee instruct me to report the bill back to the Senate and recommend its passage.

Mr. Potter, chairman of the committee on the Judiciary made the following reports:

The Judiciary committee have considered the petition of certain citizens of Uvalde county, praying for the passage of an act to authorize and require certain suits, civil and criminal pending in the District Court of Bexar county, to be transferred to the county of Uvalde, and from information before the committee, a majority of the committee are of the opinion that the legislation asked for is unnecessary. The committee therefore instruct me to return the petition to the Senate and recommended its rejection.

The Judiciary committee have considered a bill to amend an act entitled an act to change the 6th and 9th Judicial Districts, and define the time of holding Courts therein, and a majority of the committee direct me to return the bill to the Senate and recommend its passage.

The Judiciary committee have considered a bill to be entitled an act prescribing the mode of advertising public sale of lands and slaves, and find that the object of the bill is to require that all sales of lands or slaves hereafter to be made under execution, by any Sheriff, Constable, Executor, Administrator or Guardian, shall be published in the newspaper having the largest circulation in the county where the sale is to be made, and that in case of a failure to make such publication the sale shall be void, and a majority of the committee are of the opinion that the proposed legislation is unnecessary.

That it would materially increase the costs attending such sales, without any adequate return of benefits to the parties interested. If the parties of interest in such sales, should think it would be of advantage to them to have notice of the same advertised in a newspaper, they can procure it to be done without any change of the laws upon the subject, and without forcing this additional heavy expense upon those who do not wish to be subjected to it. A majority of the committee therefore instruct me to return the bill to the Senate and recommend its rejection.

Mr. Throckmorton offered the following resolution:

*Resolved*, That five hundred copies of the reports of the Trustees of the Deaf and Dumb and Blind Asylum, and five hundred copies of the report of the Commissioner of Claims, be printed for the use of the Senate, and that the committee on Printing contract for the same; adopted.

Mr. Taylor, of Houston, chairman of the committee on Enrolled Bills, reported a bill making an appropriation of fifteen thousand dollars to pay the contingent expenses of the Seventh Legislature, correctly enrolled, properly signed and presented to the Governor.

A message was received from the House informing the Senate that the House had appointed Messrs. McKinney of Travis, Harris of Guadalupe, Cooley, Dalrymple, Hardeman, Mills and Barnard, a special committee to act in conjunction with the committee on the part of the Senate, on a bill for the relief of certain counties therein named.

And that the House had passed a bill to legalize Hopkins county land district and surveys made therein; and a bill authorizing the Commissioner of Claims to employ two additional clerks, originating in the House.

On motion of Mr. Britton, a bill to incorporate the Western Artesian Well Company, with the report of the committee on Internal Improvements offering amendments thereto, was taken up and read.

Mr. Guinn moved to lay the amendments, reported by the committee, on the table.

On motion of Mr. Throckmorton, the vote was taken on each amendment separately.

The third amendment offered by the committee was laid on the table; the remaining amendments were adopted.

On motion of Mr. Scarborough, the bill was amended by in-

serting after "Alexander Young," in the first section, the names of "John M. Cooper and A. Werhiski."

On motion of Mr. Stockdale, the fifth section of the bill was amended by adding after "1860," the following: "And shall complete at least one other of such wells each and every year thereafter, or the said corporators shall forfeit all claim for land against the State for the such wells as shall remain undug."

On motion of Mr. Guinn, the bill was amended by adding the following proviso:

Provided, the land granted to the company shall be alienated as follows—"one-fourth in six years," "one-fourth in eight years," "one-fourth in ten years," and "one-fourth in twelve years."

On motion of Mr. Scarborough, the bill was further amended, by striking out, in line five, sec. five, "City of Austin," and inserting in lieu thereof, "county in which said well is proposed to be sunk, or if there be no newspaper in the county then in the newspaper nearest said well."

Mr. Quinan moved to amend as follows, to wit:

"That the wells shall be dug upon lands belonging to the State, and the land around each well to the distance of one mile, shall remain open for the use of the public, and not subject to location, and that no two wells shall be dug within the distance of thirty miles of each other."

Mr. Paschal offered the following as a substitute for the amendment proposed by Mr. Quinan:

Sec. — "That the water of any of the wells contemplated by this act, and the ground in every direction to the distance of twenty rods, shall forever remain common and open to the use of the public; *provided*, that no two wells shall be nearer than twenty miles to each other, nor shall any well be nearer than twenty miles to permanent fresh water;" adopted.

Mr. Potter offered the following amendments:

In sec. 7, line 9, after the word "citizen," insert, "not interested in or in any manner connected with said company."

In sec. 7, at the end of the 19th line, insert, "and such Chief Justice shall also make affidavit to the truth of the facts contained in his certificate, which affidavit may be made before any Notary Public, which Notary Public must also certify that he is acquainted with said Chief Justice and witnesses, and that the witnesses are respectable and credible;" adopted.

Mr. Graham offered the following amendment:

Add to sec. 4, "Provided, further, that said company shall

not receive any lands for boring said wells beyond the depth which furnishes the amount of water herein specified ;” adopted.

Mr. Quinan moved the reference of the bill and amendments to the committee on Public Lands ; lost.

The bill was then ordered to be engrossed.

Mr. Taylor, of Houston, introduced a bill to incorporate the Texas Life, Fire and Marine Insurance Company of the city of Galveston ; read first and second times and referred to the committee on the Judiciary.

Mr. Wigfall offered the following resolution :

*Resolved*, That the committee on Printing be instructed to subscribe for the Tri-Weekly Gazette, for the use of the Senate—twenty copies for each Senator ; rejected.

Mr. Throckmorton offered the following resolution :

*Resolved*, That the office of Messenger for the Senate is hereby created.

On motion of Mr. Russell, laid on the table.

On motion of Mr. Potter, a bill to locate permanently the seat of Justice of Tarrant county made the special order for to-day, was taken up and referred to the committee on Counties and County Boundaries.

On motion of Mr. Wren, a House bill to legalize Hopkins county Land District and legalize surveys made therein, was taken up and read first time.

On motion of Mr. Wren, the rule was suspended, bill read a second time and passed to a third reading.

On motion of Mr. Wren, the rule was further suspended, bill read a third time and passed.

On motion of Mr. Guinn, the House bill to authorize the Commissioner of Claims to employ two additional clerks, was read first time ; rule suspended, bill read a second time and passed to a third reading.

On motion of Mr. Russell, the rule was further suspended, bill read a third time and passed.

On motion of Mr. Taylor, of Fannin, the bill to incorporate the Western Artesian Well Company was taken up, and one hundred copies ordered to be printed.

On motion of Mr. Guinn, the Senate adjourned until Monday morning, at 10 o'clock.